

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CHARLENE J. STREET,
Plaintiff,

v.

KILOLO KIJAKAZI,
Defendant.

Case No. [5:21-cv-05697-EJD](#)

**ORDER TO SHOW CAUSE WHY
ACTION SHOULD NOT BE
DISMISSED**

Plaintiff Charlene J. Street filed the present action on July 26, 2021. Dkt. No. 1. On September 2, 2021, Plaintiff filed an amended complaint. Dkt. No. 9. Defendant filed an answer on December 10, 2021, and the administrative record was concurrently filed. Dkt. Nos. 15, 16. Plaintiff's attorney moved to withdraw, citing a breakdown in communication. Dkt. No. 17. The Court set a deadline for Plaintiff to respond but did not receive an answer from her regarding her attorney's motion to withdraw. The Court granted the motion to withdraw on February 28, 2022, and permitted Plaintiff sixty days to retain new counsel. Dkt. No. 22. On March 28, 2022, the Court received a letter from Plaintiff regarding the withdraw of her counsel. The letter stated that she was unable to locate new counsel. Dkt. No. 24. The Court has not received any filing since March 28, 2022.

The Court possesses the inherent power to dismiss an action *sua sponte* "to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–33 (1962). Plaintiff is directed to file a written response to this order by **October 17, 2022**, and to appear via telephone before the Court on **October 27, 2022, at 10:00 a.m.** to show cause why this

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OSC WHY ACTION SHOULD NOT BE DISMISSED

1 action should not be dismissed with prejudice for failure to prosecute pursuant to Federal Rule of
2 Civil Procedure 41(b). If Plaintiff fails to file a written response by the above deadline, the Court
3 will dismiss the action with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

4 Before filing a response, this Court strongly urges Plaintiff to seek assistance from the Pro
5 Se Program (<https://www.cand.uscourts.gov/helpcentersj>). The Federal Pro Se Program provides
6 free information and limited-scope legal advice to pro se litigants in federal civil cases. The
7 program is located in Room 2070 in the San Jose United States Courthouse, and is available by
8 appointment Monday to Thursday 9:00 a.m.–4:00 p.m. The Program can also be reached by
9 calling (408) 297-1480 or by email at hsong@asianlawalliance.org.

10 **IT IS SO ORDERED.**

11 Dated: September 30, 2022

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EDWARD J. DAVILA
United States District Judge